

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
STATESBORO DIVISION

LORENZO LAPEZ CLARK,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CV608-007
	)	
MR. DUPREE, <i>Unit Manager</i> ; MS.	)	
BOYETT, <i>Sergeant</i> ; MR.	)	
HUTCHINSON, <i>Officer</i> and;	)	
GEORGIA DEPARTMENT OF	)	
CORRECTIONS,	)	
	)	
Defendants.	)	

**REPORT AND RECOMMENDATION**

Plaintiff has moved for the voluntary dismissal of his case pursuant to Fed. R. Civ. P. 41(a)(1)(A). (Doc. 9.) As plaintiff has filed his notice of dismissal prior to being served with the defendants' answer, his motion should be **GRANTED** and this case should be **DISMISSED**.

After stating that he no longer wishes to proceed with this action, plaintiff writes "[s]o stop the deducting paper I sign." (*Id.*) In an order entered on February 4, 2008, the Court informed plaintiff that the

Prison Litigation Reform Act (“PLRA”) requires *all* prisoners – even those allowed to proceed *in forma pauperis* – to pay the full filing fee of \$350.00, explained to him the collection procedures required by the statute, and then afforded plaintiff an opportunity to dismiss his complaint at that time and avoid payment of the filing fee. (Doc. 4); 28 U.S.C. § 1915(b)(1). Rather than availing himself of this opportunity, plaintiff returned the Prisoner Trust Fund Account Statement and the Consent to Collection of Fees from Trust Account form, indicating his desire to proceed with his case. (Docs. 5-6.) Plaintiff was advised that once he returned the forms, the Court would review his complaint and order service on non-immune defendants. (Doc. 4 at 4-5.) This Court has already conducted its initial review of plaintiff’s complaint under 28 U.S.C. § 1915A. (Doc. 7.)

The PLRA provides that “if a prisoner brings a civil action . . . in forma pauperis, the prisoner *shall* be required to pay the full amount of the filing fee.” 28 U.S.C. § 1915(b)(1) (emphasis added). Because plaintiff elected to proceed with this civil action, the Court must require him to pay the full filing fee. See Richardson v. Sec’y Dep’t of Corrs., 2007 WL 951788, \*1 (N.D. Fla. March 28, 2007) (granting plaintiff’s

motion for voluntary dismissal but denying his request to be relieved from payment of the filing fee). In addition, the Court has already spent considerable time reviewing plaintiff's case. Therefore, his request to "stop the deducting paper I sign" is **DENIED**.

**SO REPORTED AND RECOMMENDED** this 13<sup>th</sup> day of March, 2008.

  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF GEORGIA